

SURFACE TRANSPORTATION BOARD¹

DECISION

No. 41657

CARRIER CORPORATION--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF AMERICAN FREIGHT SYSTEM, INC.

No. 41630

CARRIER CORPORATION--PETITION FOR DECLARATORY ORDER--
CERTAIN RATES AND PRACTICES OF AMERICAN FREIGHT SYSTEM, INC.

Decided: April 17, 1997

These proceedings arise out of the efforts of American Freight System, Inc., to collect undercharges on certain shipments from Carrier Corporation (petitioner). The matter is before the Board on referral from the United States Bankruptcy Court for the District of Kansas, in *American Freight System, Inc. et. al. v. Carrier Corporation*, Case No. 88-41050-11, Adv. No. 90-7585.

In No. 41657, by decision served November 17, 1995, the ICC established a procedural schedule.²

By letter filed March 4, 1996, petitioner advised the Board that the proceeding in No. 41657 had been settled. As the petition filed in No. 41630 involves the same parties and seeks consideration of the same issues as are raised in No. 41657, both proceedings will be dismissed.

It is ordered:

1. The proceedings in No. 41657 and No. 41630 are dismissed.
2. This decision is effective on its service date.
3. A copy of this decision will be mailed to:

The Honorable James A. Pusateri
United States Bankruptcy Court for
the District of Kansas
Frank Carlson Federal Building and U.S. Courthouse
444 S.E. Quincy Street, Room 215
Topeka, KS 66683

Re: Case No. 88-41050.11, Adv. No. 94-7585

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ On December 29, 1995, the President signed the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICC Termination Act or the Act). Effective January 1, 1996, the Act abolished the Interstate Commerce Commission (ICC) and transferred various ICC functions, including the resolution of issues in motor carrier undercharge proceedings, to a newly created Surface Transportation Board (Board), 49 U.S.C. 13709-13711.

² On October 6, 1995, petitioner filed a petition for declaratory order which was docketed as 41630. Thereafter, on November 6, 1995, petitioner filed an amended petition for declaratory order which was docketed as No. 41657. Both docket numbers arise out of the same court proceeding, involve the same parties, facts, and seek resolution of the same issues.